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I M P O R T A N T  
N O T I C E F O R R E T I R E E S

Recent changes in retirement law regarding benefits for former spouses are of such significance that your retirement office will remind you annually of these changes. Please retain this information with your other important retirement documents.

I. NEW LEGISLATION AFFECTING FORMER SPOUSES

Legislation providing retirement benefits for former spouses became effective on 15 November 1982.

(1) This law allows former spouses of participants who have both retired and divorced after 15 November 1982 to share in the participant's retirement annuity and survivor benefits.

(2) The law allows former spouses of annuitants already retired when the law took effect but divorced after 15 November 1982 to receive a survivor annuity only.

(3) The law also allows former spouses of participants who were divorced before 15 November 1982 to receive a survivor annuity, as explained below in subparagraph B, if the participant elects to provide this benefit.

As defined by law, "former spouse" means a former wife or husband of a participant in the retirement system who was married to the participant for not less than 10 years of creditable service by that participant, at least five years of which were spent outside the United States by both the participant and former spouse.

The remarriage of a former spouse may affect his or her rights under the new law. If the former spouse remarries prior to becoming 60 years of age, the former spouse loses his or her entitlement to any annuity. If the former spouse remarries after commencement of the survivor annuity, and that annuity is terminated due to remarriage, it may be restored under certain conditions upon dissolution of the remarriage.

**A. Former Spouses Divorced After 15 November 1982**

In the absence of a spousal agreement or court order expressly providing otherwise, the amount of any annuity payable to a former spouse is calculated by formula based on length of marriage to the participant compared to the participant's total creditable service. If married to the participant for the entire period of creditable service, the former spouse may be entitled to a maximum of 50 percent of the participant's lifetime annuity as well as the full survivor benefit (equal to 55 percent of the participant's annuity). If married to the participant for less than the entire period of creditable service, the former spouse would be entitled to proportionately less of each annuity.

**B. Former Spouses Divorced Before 15 November 1982**

The law allows a former spouse otherwise qualified but divorced before 15 November 1982 to receive a survivor annuity if:

- a. the participant elects to provide a survivor annuity to the former spouse;
- b. the participant has not already provided the maximum survivor annuity to another spouse or former spouse; and
- c. the current spouse, if any, consents in writing.

If you have a "former spouse" divorced before 15 November 1982, you may choose to provide a survivor benefit but your election must be received by the retirement system no later than 15 November 1983.

**II. ADDITIONAL INFORMATION ABOUT THE EFFECT OF CHANGES IN ANNUITANT'S MARITAL STATUS ON SURVIVOR ANNUITIES**

If you were divorced before 15 November 1982 or if your ex-wife or husband does not qualify as a "former spouse" as defined above, then the following choices are open to you:

**(1) Annuitants Who Were Married at the Time of Retirement and Elected a Survivor Benefit**

If, at the time of retirement, your annuity was reduced to provide a survivor annuity for your spouse, and your marriage subsequently ended through death, divorce, or annulment, you are eligible to have your annuity restored to

the full single-life rate by notifying this office in writing and submitting a certified copy of the death certificate, divorce decree, or annulment.

If an annuitant has been restored to the full single-life rate and subsequently remarries, the annuitant must notify this office in writing within one year after the date of remarriage whether or not he/she desires to elect a reduced annuity to provide a survivor benefit for the new spouse and must submit a certified copy of the marriage certificate. SURVIVOR PROTECTION IS NOT AUTOMATIC. If your election is received within the required time limit, the reduction in your annuity to provide this survivor protection will be effective the first day of the month following a complete year of marriage and will be the same percentage reduction that was in effect immediately before the dissolution of the previous marriage.

(2) Annuitants Who Were Married at the Time of Retirement and Did Not Elect a Survivor Benefit

If an annuitant was married at the time of retirement and did not elect to provide a survivor benefit for the spouse, the annuitant may reconsider the election for a qualified former spouse divorced prior to 15 November 1982 as explained previously. However, the annuitant is NOT, repeat NOT, eligible upon remarriage to change the election for the new spouse. In the latter case, the annuitant's election for the new spouse is expressly limited by law to the election made prior to the dissolution of the previous marriage.

(3) Annuitants Who Were Not Married at the Time of Retirement

An annuitant who was not married at the time of retirement but who later marries, may irrevocably elect survivor protection. The annuitant must notify this office in writing within one year after the date of marriage whether or not he/she desires to elect a reduced annuity to provide a survivor benefit for the new spouse and must submit a certified copy of the marriage certificate. SURVIVOR PROTECTION IS NOT AUTOMATIC. If your election is received within the required time limit, the reduction in your annuity to provide this survivor protection will be effective the first day of the month following a complete year of marriage.

If a reduced annuity was elected in order to provide a survivor benefit to a person having an "insurable interest" in you and that person predeceases you, you are entitled to have your full annuity rate restored by notifying this office in writing and submitting a certified copy of the death certificate. The effective date of restoration will be the first day of the month following the date of death.

If you elected a reduced annuity to provide a survivor benefit to a person having an "insurable interest" and you marry after 1 October 1978, you may elect to provide a survivor annuity for your spouse as explained above, bearing in mind the time limitation. Such an election will void your previous "insurable interest" election, although that reduction will remain in effect until replaced by the reduction for your spouse one year after the marriage.

Any questions concerning the above should be submitted in writing to the address on this letterhead.

CHIEF, RETIREMENT AFFAIRS DIVISION